

David C. Marcus (SBN 158704)
david.marcus@wilmerhale.com
Christopher T. Casamassima (SBN 211280)
chris.casamassima@wilmerhale.com
Nicholas G. Purcell (SBN 313630)
nick.purcell@wilmerhale.com
WILMER CUTLER PICKERING
HALE AND DORR LLP
350 South Grand Avenue, Suite 2400
Los Angeles, CA 90071
Telephone: +1 213 443 5300
Facsimile: +1 213 443 5400

Andrew Dulberg (*admitted pro hac vice*)
andrew.dulberg@wilmerhale.com
Sarah R. Frazier (*admitted pro hac vice*)
sarah.frazier@wilmerhale.com
WILMER CUTLER PICKERING
HALE AND DORR LLP
60 State Street
Boston, MA 02109
Telephone: +1 617 526 6000
Facsimile: +1 617 526 5000

Attorneys for Defendant
FIDELITY INVESTMENTS CHARITABLE
GIFT FUND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

EMILY FAIRBAIRN and
MALCOLM FAIRBAIRN,

Plaintiffs,

v.

FIDELITY INVESTMENTS
CHARITABLE GIFT FUND,

Defendant.

Case No. 3:18-cv-04881-JSC

**DEFENDANT FIDELITY INVESTMENTS
CHARITABLE GIFT FUND'S NOTICE
REGARDING CLARIFICATION
REGARDING SEQUESTRATION OF
EXPERT WITNESSES**

Defendant's Request For Clarification Regarding Sequestration of Expert Witnesses

In the parties' Joint Proposed Final Pretrial Order, both sides agreed that expert witnesses need not be sequestered. ECF No. 191 at 15:15-20. The Court's Order Following Pretrial Conference, however, states that all witnesses other than Plaintiffs and Fidelity Charitable's party representative, Pamela Norley, are prohibited from observing, reading, watching, or discussing any other witnesses' testimony in advance of their own. ECF No. 227 at 8:7-10. Given that both parties will be introducing expert testimony in response to expert testimony elicited by the opposing party, Fidelity Charitable respectfully requests clarification, and reiterates its request that the Court permit the parties' expert witnesses to observe the entire trial consistent with the parties' agreement in the Joint Proposed Final Pretrial Order.

DATED: October 14, 2020

Respectfully submitted,

By: /s/ David. C. Marcus

DAVID C. MARCUS

CHRISTOPHER T. CASAMASSIMA

WILMER CUTLER PICKERING HALE

AND DORR LLP

350 South Grand Avenue, Suite 2400

Los Angeles, CA 90071

Telephone: +1 213 443 5300

Facsimile: +1 213 443 5400

ANDREW S. DULBERG (*pro hac vice*)

SARAH R. FRAZIER (*pro hac vice*)

WILMER CUTLER PICKERING

HALE AND DORR LLP

60 State Street

Boston, MA 02109

Telephone: +1 617 526 6000

Facsimile: +1 617 526 5000

Attorneys for Defendant

FIDELITY INVESTMENTS FIDELITY
CHARITABLE GIFT FUND